

1 J. Leah Castella (SBN 205990)
E-mail: lcastella@bwslaw.com
2 Kevin D. Siegel (SBN 194787)
E-mail: ksiegel@bwslaw.com
3 BURKE, WILLIAMS & SORESENSEN, LLP
1999 Harrison Street, Suite 1650
4 Oakland, California 94612-3520
Tel: 510.273.8780 Fax: 510.839.9104
5

6 Attorneys for CITY OF BANNING
7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 SUN LAKES HIGHLAND, LLC, a
Delaware limited liability company,
12

13 Petitioner and Plaintiff,
14

15 v.
16

17 CITY OF BANNING, a municipal
corporation; and DOES 1 through
18 10, inclusive,
19

20 Respondents and
Defendants.
21

Case No. 5:24-cv-02603-DTB

**RESPONDENT AND DEFENDANT
CITY OF BANNING'S NOTICE OF
NON-OPPOSITION TO PLAINTIFF
SUN LAKES HIGHLAND'S MOTION
FOR LEAVE TO FILE SECOND
AMENDED COMPLAINT**

Judge: Hon. David T. Bristow

Action Filed: December 6, 2024
Amended Petition Filed: January 7, 2025
Current Response Date: April 11, 2025

22 **TO THIS COURT, AND TO ALL PARTIES AND THEIR ATTORNEYS
OF RECORD:**

23 On March 19, 2025, Petitioner and Plaintiff Sun Lakes Highland, LLC
24 ("Sun Lake") filed a Motion for Leave to File Second Amended
25 Petition/Complaint ("Motion"). (Dkt. 28.) On March 20, 2025, the Court ordered
26 Respondents and Defendants to file an Opposition on or before April 18, 2025,
27 and Petitioner and Plaintiff to file an optional Reply within fourteen (14) days of
28 Respondents and Defendants' filing. (Dkt. 32.)

4904-4451-2557 v1

1 Respondent and Defendant City of Banning (“City”) hereby provides
2 notice that it does not oppose Sun Lake’s Motion.

3 Burke, Williams & Sorensen, LLP files this notice solely on behalf of
4 Respondent and Defendant City, not on behalf of Sheri Flynn—a potential co-
5 defendant—as this law firm does not presently represent Sheri Flynn.

6 While the City does not oppose Sun Lake’s Motion, it does request that
7 the Court do the following: (1) issue its ruling on the Motion prior to April 11,
8 2024—which is the deadline for the City to file its responsive pleading to Sun
9 Lake’s First Amended Petition and Complaint; (2) should the Court grant Sun
10 Lake’s Motion, give the City thirty (30) days after the Second Amended
11 Complaint is deemed filed to file responsive pleadings; and (3) continue the
12 April 11, 2024 deadline to file a Rule 26(f) Report to 30 days after the City’s
13 deadline to file responsive pleadings.

14
15 Dated: March 25, 2025

BURKE, WILLIAMS & SORENSEN, LLP

16
17
18 By: 

19 J. Leah Castella
20 Attorney for Defendant
21 CITY OF BANNING
22
23
24
25
26
27
28

PROOF OF SERVICE

Sun Lakes Highland LLC v. City of Banning, et al.
Case No. 5:24-cv-02603-DTB

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Alameda, State of California. My business address is 1999 Harrison Street, Suite 1650, Oakland, CA 94612-3520.

On March 25, 2025, I served true copies of the following document(s) described as **RESPONDENT AND DEFENDANT CITY OF BANNING'S NOTICE OF NON-OPPOSITION TO PLAINTIFF SUN LAKES HIGHLAND'S MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT** on the interested parties in this action as follows:

K. Erik Friess
Andrew A. Wood
Lucas Alexander Urgoiti
Allen Matkins Leck Gamble Mallory and
Natsis LLP
2010 Main Street 8th Floor
Irvine, CA 92614
Email: rfriess@allenmatkins.com
awood@allenmatkins.com
lurgoiti@allenmatkins.com

Attorneys for Sun Lakes Highland LLC

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 25, 2025, at Oakland, California.



Anne M. Scott